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ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/781,917	FISHER ET AL.	
	Examiner	Art Unit	
	Kelly L. Jerabek	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 53-59 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 11/2/2007 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments (Amendment page 19) state that the Squilla reference fails to teach ancillary data files that are "limited" to "image data files". The Examiner respectfully disagrees. Squilla discloses ancillary data files (graphics, photos, etc.) being limited to one or more image data files that the imaging device (24) combines with the image data to create a new composite image (col. 5, lines 1-13). The Examiner is giving the phrase "image data files" its broadest reasonable interpretation and therefore the Examiner maintains that the ancillary data files (graphics, photos, etc.) disclosed by Squilla constitute "image data files".

Applicant's arguments (Amendment pages 19-20) state that the Squilla reference does not teach combining any sort of downloaded ancillary data and captured image data to create a "new composite image". The Examiner respectfully disagrees. Squilla discloses ancillary data files (graphics, photos, etc.) being limited to one or more image data files that the imaging device (24) combines with images (col. 5, lines 1-13). Squilla further states that in the imaging device (24) the ancillary data is stored in the memory (48) along with the digital image (col. 5, lines 7-9). Therefore, it can be seen that Squilla teaches combining downloaded ancillary data and a captured image to created a new composite image.

Applicant's arguments (Amendment pages 20-21) state that the Squilla reference does not teach or suggest the various detained "off-line procedure" recited in claim 47. The Examiner respectfully disagrees. Squilla discloses that an ancillary data module (microprocessor 42) performs an off-line management procedure for the ancillary data files (graphics, photos, etc.) that have been downloaded from the data source (10), the off-line management procedure including the ancillary data module (42) analyzing descriptors form the ancillary data files and coordinating corresponding off-line file management procedures by alternately utilizing both an automatic process and an interactive process with a system user, the off-line file management procedures including a file descriptor identification procedure by which the ancillary data module (42) categorizes the ancillary data files (graphics, photos, etc.) and the imaging device (24) updating camera menus to including the ancillary data files (graphics, photos, etc.) to enable a system user to utilize the ancillary data files (graphics, photos, etc.) (col. 4, lines 3-25; col. 4, line 54-col. 5, line 17).

Applicant's arguments (Amendment pages 21) state that since Squilla teaches a manual selection of ancillary data it cannot teach "automatically" selecting "ancillary data files without intervention by said system user. The Examiner respectfully disagrees. Squilla states that the system will automatically select ancillary data to be sent based on a personality profile of the user of the camera (col. 6, line 51-col. 7, line 28). Therefore, it can be seen that Squilla teaches that ancillary data files (graphics, photos, etc.) are automatically selected without intervention by a system user. Although

Squilla also teaches a manual selection of ancillary data this does not negate the teaching of an automatic selection of ancillary data.

Applicant's remaining arguments (Amendment pages 17-18 and 21-39) are identical to the arguments presented in the previous amendment filed 6/27/2007 therefore the response given the in final rejection mailed 9/28/2007 is still applicable to the arguments on pages 17108 and 21-39 of the amendment.

Claim Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et al. (US 6,006,039.)

Re claim 42, Steinberg teaches a system for manipulating image data, comprising: means for storing one or more ancillary data files (fig. 1 indicator 14);

means for capturing said image data (fig. 1 indicator 10); means for transferring said one or more ancillary data files from said means for storing to said means for capturing (fig. 1 indicators 20,22, and 38); and means for manipulating said image data with said one or more ancillary data files (fig. 4 indicator 122.).

Claims 21 and 47-48 and 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Squilla et al. (US 6,396,537).

Re claim 21, Squilla discloses a system for manipulating image data capable of performing a method for manipulating image data, comprising the steps of: storing one or more ancillary data files (graphics, photos, video/audio clips, etc.) in a data source (10), said data source (10) being implemented as a computer (14) in a distributed computer network (col. 3, lines 57-63); capturing said image data with an imaging device (24) and transferring said one or more ancillary data files (graphics, photos, etc.) in an ancillary data flow from said data source (10) to said imaging device (24) by using an ancillary data module (microprocessor 42) (col. 4, lines 3-25; col. 4, line 54-col. 5, line 17). Squilla further discloses manipulating the image data with one or more ancillary data files (graphics, photos, etc.), said ancillary data module (42) performing on-line management procedures during which a system user interactively utilizes the imaging device (24) to view the ancillary data files (graphics, photos, etc.) that are stored on the data source (10), to manipulate the ancillary data files (graphics, photos, etc.) that are stored on the data source (10), to select the ancillary data files (graphics,

photos, etc.) that are stored on the data source (10) and to download the ancillary data files (graphics, photos, etc.) from the data source (10) to the imaging device (24), the on-line management procedures occurring while an active bi-directional electronic communication path currently exists from the imaging device (24) to the computer (14) in the distributed computer network (col. 5, lines 1-17; col. 8, lines 39-56), the ancillary data files (graphics, photos, etc.) including one or more image data files that the imaging device (24) combines with the image data to created a new composite image (col. 5, lines 1-13).

Re claim 47, Squilla further states that an ancillary data module (microprocessor 42) performs an off-line management procedure for the ancillary data files (graphics, photos, etc.) that have been downloaded from the data source (10), the off-line management procedure including the ancillary data module (42) analyzing descriptors form the ancillary data files and coordinating corresponding off-line file management procedures by alternately utilizing both an automatic process and an interactive process with a system user, the off-line file management procedures including a file descriptor identification procedure by which the ancillary data module (42) categorizes the ancillary data files (graphics, photos, etc.) and the imaging device (24) updating camera menus to including the ancillary data files (graphics, photos, etc.) to enable a system user to utilize the ancillary data files (graphics, photos, etc.) (col. 4, lines 3-25; col. 4, line 54-col. 5, line 17).

Re claim 48, Squilla discloses that the on-line management procedures only occur while the imaging device (24) is in an on-line state that permits bi-directionally communicating through the distributed computer network directly to the computer (14 of the image spot 10)(col. 4, line 54-col. 5, line 17).

Re claim 50, Squilla discloses that a system user may utilize the ancillary data module (microprocessor 42) to locally view displayed images of the ancillary data files (graphics, photos, etc.) during on-line management procedures (col. 5, lines 1-17; col. 8, lines 39-56).

Re claim 51, Squilla states that the system will automatically select ancillary data to be sent based on a personality profile of the user of the camera (col. 6, line 51-col. 7, line 28). Therefore, it can be seen that Squilla teaches that ancillary data files (graphics, photos, etc.) are automatically selected without intervention by a system user.

Re claim 52, Squilla states that the ancillary data module may be implemented as a software progam (col. 3, lines 42-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-11, 13-17, 21, 24-31, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325.)

Re claim 1, Sarbadhikari teaches a system for manipulating image data, comprising a data source configured to store one or more ancillary data files (fig. 11 indicator 4; col 11 lines 26-37), said data source being implemented as a computer (fig. 11 indicator 4), an imaging device configured to capture said image data (fig. 11 indicator 1), and an ancillary data module for transferring said one or more ancillary data files from said data source to said imaging device for manipulating said image data (fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), said ancillary data module performing on-line management procedures during which a system user interactively utilizes said imaging device to view said one or more ancillary data files that are stored on the data source, to manipulate said one or more ancillary data files that are stored on the data source, to select said one or more ancillary data files that are stored on the data source, and to download said one or more ancillary data files from

said data source to said imaging device, said one or more on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer (col. 4 lines 37-56; col. 7 lines 15-50; col. 9 lines 9-13), said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image (col. 4 line 57 – col. 5 line 40.) Although Sarbadhikari teaches the data source being implemented as a computer, with the same functionality that is provide by the removable memory card embodiment applied therein (col. 11 lines 26-37), a data source being implemented as *a computer in a distributed computer network* is not taught (emphasis added.)

Nevertheless, Steinberg teaches a similar system for manipulating image data in which a computer in a computer in a distributed computer network is employed (fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with the computer of the system for manipulating image data as taught by Sarbadhikari, in order to create a system for manipulating image data which allowed for transferal of one or more ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer.

Re claim 4, Sarbadhikari and Steinberg teach all the limitations of claim 4 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a digital still camera device ('264 - col. 5 lines 55-57), a video camera device, and an electronic scanner device.

Re claim 5, Sarbadhikari and Steinberg teach all the limitations of claim 5 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are transferred from said data source to said imaging device ('264 - col. 2 line 50 - col. 3 line 2) by utilizing a wireless transmission process ('325 – col. 4 lines 61-65.)

Re claim 6, Sarbadhikari and Steinberg teach all the limitations of claim 6 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data ('264 - col. 10 line 33-39.)

Re claim 7, Sarbadhikari and Steinberg teach all the limitations of claim 7 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device includes a capture subsystem ('264 - fig. 10 indicator 10) and a control module ('264 - fig. 10 indicators A and B), said control module having a central processing unit ('264 - fig. 10 indicator 20), a memory ('264 - fig. 2 indicator 32, indicator 31), a

viewfinder ('264 - fig. 10 indicator 29), and one or more input/output interfaces ('264 - fig. 10 indicators 21 and 26.)

Re claim 8, Sarbadhikari and Steinberg teach all the limitations of claim 8 (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said memory includes an application software program ('264 - col. 10 lines 1-4), an operating system ('264 - col. 7 lines 51-52), said ancillary data module (driving indicators 20, 18, and 22 of fig. 10), said one or more ancillary data files ('264 - col. 8 lines 52-58, col. 10 lines 5-6), a display manager ('264 - col. 9 lines 6-11 and col. 7 lines 44-49), data storage for storing said image data ('264 - fig. 4, fig. 10 indicators 18 and 35, col. 9 lines 15-26), and one or more camera menus for display upon said viewfinder ('264 - col. 7 lines 44-49, col. 9 lines 6-11.)

Re claim 9, Sarbadhikari and Steinberg teach all the limitations of claim 9 (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said one or more input/output interfaces include a distributed electronic network interface ('325 fig. 1 indicator 16), a host computer interface ('264 - fig. 11 indicator 34; '325 col. 4 lines 2-4), a printer interface ('325 col. 4 lines 2-4), a wireless communications interface ('325 col. 4 lines 61-65), a user interface ('264 - fig. 2 indicator 21), and a removable storage media interface ('264 - fig. 2 indicator 26; '325 fig. 2 indicator 58.)

It is also noted by the Examiner that this claim, as currently written, only requires a minimum of one input/output interface, by way of the limiting language of "one or more input/output interfaces".

Re claim 10, Sarbadhikari and Steinberg teach all the limitations of claim 10 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data module includes a download manager for transferring said ancillary data files from said data source to said imaging device and analyzing said ancillary data files ('264 - col. 7 lines 30-67), an editing module for combining said one or more ancillary data files with said image data ('264 - col. 9 lines 13-21), a data manager for controlling and reorganizing said one or more ancillary data files ('264 – col. 4 lines 63-64, col. 5 lines 22-25, col. 7 lines 60-65, and col. 9 lines 13-50) and miscellaneous routines that include a conversion routine for translating said one or more ancillary data files into a compatible format ('325 – figs. 3 and 9, col. 7 lines 10-13.)

Re claim 11, Sarbadhikari and Steinberg teach all the limitations of claim 11 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files each include a data portion and a corresponding descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files ('264 - col. 4 lines 58-63, col. 7 lines 31-44, in which information other than the included data is inherently necessary for identification of the enhancement.)

Re claim 13, Sarbadhikari and Steinberg teach all the limitations of claim 13 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said data source is configured to facilitate interactively accessing, manipulating, and downloading said one or more ancillary data files to said imaging device by a system user ('264 - col. 7 lines 38-50.)

Re claim 14, Sarbadhikari and Steinberg teach all the limitations of claim 14 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device establishes an active bi-directional electronic communication path to said data source ('264 - col. 4 lines 44-47), said active bi-directional electronic communication path being established by both an automatic connection protocol ('264 - col. 7 lines 30-65, in which detection of the presence of a card and the presence of a connection to a computer are read to be comparable) and also by a user-initiated connection protocol ('264 - col. 4 lines 46-47; fig. 11 via connection of indicator 38.)

Re claim 15, Sarbadhikari and Steinberg teach all the limitations of claim 15 (see the 103(a) rejection to claim 14 supra), including teaching a system wherein said ancillary data module performs one or more on-line management procedures while said active bi-directional electronic communication path is available, said one or more on-line management procedures including a data source content review ('264 - col. 7 lines 32-40, 54-57) and an ancillary-data file download procedure ('264 - col. 7 lines 60-65.)

It is also noted by the Examiner that this claim, as currently written, only requires a minimum of one on-line management procedure, by way of the limiting language of "one or more on-line management procedures".

Re claim 16, Sarbadhikari and Steinberg teach all the limitations of claim 16 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein said ancillary data module downloads a special instruction file that corresponds to a selected ancillary data file, said special instruction file including information that instructs said imaging device how to correctly utilize said selected ancillary data file, said special instruction file being formatted as an embedded instruction file that is embedded in said selected ancillary data file ('264 - col. 10 lines 43-50) and also as a discrete instruction file that is not embedded in said selected ancillary data file ('264 - col. 9 line 51 – col. 10 line 18; col. 10 lines 43-50.)

Re claim 17, Sarbadhikari and Steinberg teach all the limitations of claim 17 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein said imaging device terminates said active bi-directional electronic communication path to said data source when said on-line management procedures have been completed, said active bi-directional electronic communication path being terminated by both a user-initiated termination protocol ('264 - fig. 3, col. 9 lines 3-14, in which an analogous process would apply to a tethered data source instead of an inserted card; '325 – col. 5

lines 15-17) and an active bi-directional electronic communication path being terminated by an automatic termination protocol ('325 – col. 5 lines 19-23.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow for both user-initiated termination protocol, in which actions of a user control the camera use, as well as automatic termination in order to allow a system user the flexibility to both control functionality, as well as have various processes operate seamlessly in the background without the need for user interaction.

Re claims 21, 24-31 and 33-37 , although the wording is different, the material is considered substantively equivalent to claims 1, 4-11, and 13-17, respectively, as discussed above.

Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), with a supporting reference Creamer et al. (US 6,930,709.)

Re claim 2, Sarbadhikari and Steinberg teach all the limitations of claim 2 (see the 103(a) rejection to claim 1 supra), except for explicitly teaching a system wherein said data source includes an image station site on an Internet network.

The Examiner cites as supporting reference, Creamer et al. (US 6,930,709- filed on December 3, 1998), to illustrate the related equivalency of a computer in a distributed computer network being employed as "an image station site on an Internet

network", a concept and equivalency that is well known and expected in the art. Creamer details a general purpose personal computer, incorporated in concert with the World Wide Web, that has the ability to place an image on the Internet, as well as states that the computer is usually dedicated to serving the camera (col. 1 lines 16-65.) Therefore, this reference is presented to support what is well known with respect to a computer dedicated and used for image data and connected to the Internet, being equivalent in naming convention to an image station site on an Internet network. It would have been obvious to one of ordinary skill in the art at the time of the invention for the computer in a distributed computer network to be an image station on an Internet network for the purposes of having a dedicated general purpose computer employed for image/camera related tasks such as manipulating image data, and which can be accessed via remote locations connected throughout the world wide web or an equivalent distributed network for the purpose of manipulating image data. (It is also noted that Applicants define the Internet as a distributed network (see Abstract), and that claim 2 serves to further limits the data source of claim 1, which is explicitly implemented as a computer in a distributed computer network.)

Re claim 22, although the wording is different, the material is considered substantively equivalent to claim 2 as discussed above.

Claims 3, 23, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) and Steinberg et al. (US

6,628,325), in view of Qian (US 6,950,130) and in further view of Aihara et al. (US 6,223,190.)

Re claim 3, Sarbadhikari and Steinberg teach all the limitations of claim 3 (see the 103(a) rejection to claim 1 supra), except for teaching a system wherein said ancillary data files include an image background file and an Internet webpage file. However, Sarbadhikari does teach merging ancillary data files with those captured by the camera ('264 – col. 5 lines 22-27), such as image template files ('264 - figs. 8 and 9, col. 6 lines 56-59) and overlay files ('264 - col. 5 line 25-27), for the purpose of enhancing the images captured by the user for particular situations ('264 - col. 10 lines 24-30.)

Qian teaches the both the creation of background files and the replacement of backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include background files as taught by Qian with the system as taught by Sarbadhikari and Steinberg, so that the user is provided with another ancillary data file merging option, in addition to templates and overlays, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Furthermore, Aihara teaches Internet webpage files employed as ancillary data files (col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ancillary data

files as taught by Aihara, with the system as taught by Sarbadhikari, Steinberg, and Qian, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Re claim 23, although the wording is different, the material is considered substantively equivalent to claim 3 as discussed above.

Re claim 46, Sarbadhikari and Steinberg teach all the limitations of claim 44 (see the 103(a) rejection to claims 11/31 supra), including wherein said ancillary data module analyzes said descriptor tag corresponding to a downloaded one of said ancillary data files, said ancillary data module responsively assigning said downloaded one of said ancillary data files to one of several file categories in said imaging device ('264 - col. 7 lines 31-44), said file categories including a template category ('264 col. 10 line 24 – col. 11 line 13), an overlay category ('264 - col. 7 line 43), and an instructions category ('264 - col. 9 line 51 – col. 10 line 18; col. 10 lines 43-50.) However, neither Sarbadhikari nor Steinberg is found to disclose a background category or an Internet web page category.

Qian teaches the both the creation of background files and the replacement of backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) Based on these, it would have been obvious to one of ordinary skill in the art at the time of the invention to include background files, and an associated category for them within the system as taught by Sarbadhikari and Steinberg, so that the user is provided with another ancillary data file merging option, in addition to templates and overlays, for the purpose of

enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device, all of which being found within an organized (categorized) format to facilitate their use.

Further, Aihara teaches Internet webpage files employed as ancillary data files (col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would also have been obvious to one of ordinary skill in the art at the time of the invention to include the ancillary data files, and an associated category for them within the system as taught by Sarbadhikari, Steinberg, and Qian, so that the user is provided with another ancillary data file merging option, in addition to templates, overlays, and backgrounds, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device, all of which being found within an organized (categorized) format to facilitate their use.

Claims 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) and Steinberg et al. (US 6,628,325), in view of Aihara et al. (US 6,223,190.)

Re claim 12, Sarbadhikari and Steinberg teach all the limitations of claim 12 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are created by a system manufacturer utilizing ancillary-data production equipment ('264 - col. 6 lines 58-63.) However, neither Sarbadhikari nor

Steinberg is found to teach a system wherein said one or more ancillary data files are also created by a system user on a local computer device.

Nevertheless, Aihara teaches that a user can create the ancillary data file (col. 7 lines 33-38.) It would have been obvious to one of ordinary skill in the art at the time of the invention to allow for a user to create the ancillary data file, in conjunction with the system as taught by Sarbadhikari and Steinberg in which ancillary data files are created by a system manufacturer, so that a user may not only have the ability to employ the ancillary data files provided by a manufacturer, but also to create their own ancillary data files in order to give the result its distinctive appearance ('190 – col. 7 lines 36-38.) It is further noted that the specification at lines 1-8 of page 15, provides for the creation of ancillary data files by the system user in one embodiment, and alternatively, by a manufacturer in another.

Re claim 32, although the wording is different, the material is considered substantively equivalent to claim 12 as discussed above.

Claims 18-20, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), in further view of Anderson (US 6,177,957.)

Re claim 18, Sarbadhikari and Steinberg teach all the limitations of claim 18 (see the 103(a) rejection to claim 17 supra), except for teaching a system wherein said

ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files. It is noted that Sarbadhikari does teach on-line management of ancillary data files, in that the identified files may be selectable chosen by the user when connected to the data source (col. 4 lines 40-47; col. 7 lines 38-47.)

Nevertheless, Anderson is found to teach dynamically updating software driven features in an electronic imaging device, in which the user may supplement the baseline application programming of the imaging device (col. 2 lines 18-25.) The system of Anderson provides a procedure for updating of camera menus to reflect the addition of one or more ancillary data files, thereby enabling a system user to utilize one or more of the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson further teaches a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line 19.) Although Anderson employs hot mounted files, Anderson demonstrates a teaching of a menu reorganization procedure for files made accessible to the imaging device. When taken in light of the system as taught by Sarbadhikari and Steinberg, which includes ancillary data files selected and downloaded to the imaging device from a computer in a distributed computer network, one of ordinary skill in the art at the time of

the invention would have found it obvious to add the functionality of a user accessible menu which was appropriately updated to reflect the newly added software enhancements available, so that the user may fully utilize all the imaging device's available functionality. It would have been further obvious to one of ordinary skill in the art at the time of the invention to employ a file descriptor identification procedure similar to that taught by Anderson, with the system as taught by Sarbadhikari and Steinberg, in order to correctly identify and implement the ancillary data files, and their corresponding functionality, which have been added to increase the available functionality of the imaging device, based on the selected files previously added via download from a computer in a distributed computer network. As to the occurrence of the procedure taught above, in conjunction with a teaching by Anderson of the procedure occurring within the imaging device (fig. 8), it would also have been obvious to one of ordinary skill in the art that the procedure of the system as taught by Sarbadhikari, Steinberg, and Anderson be performed off-line, so that once the selected files had been downloaded, the imaging device is free to operate as a physically autonomous device, having no further need to be tethered or on-line with the computer, and free to perform the procedure at locations other than those accessible to the computer and at times when on-line accessibility is limited or no longer available.

Re claim 19, Sarbadhikari, Steinberg, and Anderson teach all the limitations of claim 19 (see the 103(a) rejection to claim 18 supra), including teaching a system wherein said off-line management procedure includes a file reorganization procedure

('957 – col. 9 lines 1-6) and a file deletion procedure ('957 – col. 9 line 55 – col. 10 line18).

Re claim 20, Sarbadhikari, Steinberg, and Anderson teach all the limitations of claim 20 (see the 103(a) rejection to claim 18 supra), including teaching a system wherein said imaging device utilizes an editing module ('264 - fig. 2 indicator 22) from said ancillary data module to effectively combine selected ones of said one or more ancillary data files with one or more images from said image data to thereby create a new composite image ('264 - col. 5 lines 22-24, col. 10 lines 30-36.)

Re claims 38-40, although the wording is different, the material is considered substantively equivalent to claims 18-20, respectively, as discussed above.

Re claim 41, Sarbadhikari teaches storing one or more ancillary data files in a data source (col. 11 lines 26-37), said data source being implemented as a computer (fig. 11 indicator 4; col. 11 lines 26-37), capturing said image data with an imaging device (col. 2 line 66 – col. 3 line 2; col. 5 line 55 – col. 6 line 26; col. 11 lines 26-37), transferring said one or more ancillary data files from said data source to said imaging device by using an ancillary data module (col. 4 lines 44-47; fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), and manipulating said image data with said one or more ancillary data files (col. 6 lines 5-58; col. 10 lines 24-39), said ancillary data files performing one or more on-line management procedures during which a

system user interactively utilizes said imaging device to view, manipulate select and download said ancillary data files, said one or more on-line management procedures occurring while an active bi-directional communication path currently exits from said imaging device to said computer (col. 4 lines 37-56; col. 7 lines 15-50; col. 9 lines 9-13; col. 11 lines 26-37), said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image (col. 4 line 57 – col. 5 line 40.) However, Sarbadhikari does not teach any of the above steps occurring in conjunction with a computer in a distributed computer network. Additionally, although Sarbadhikari does teach the above program/programming/processor related steps, Sarbadhikari does not teach each step involving program instructions within a computer-readable medium.

Nevertheless, Steinberg is found to teach similar steps for manipulating image data in which a computer in a computer in a distributed computer network is employed (fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with the computer as taught by Sarbadhikari, in order to create the steps for manipulating image data which allowed for transferal of one or more ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer or data source.

Furthermore, Anderson is found to teach a computer readable medium comprising program instructions for a system that dynamically updates software functions in an electronic imaging device (col. 13 lines 33-54; col. 14 lines 25-43.) It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer the steps as taught by Sarbadhikari and Steinberg, which are effectuated by processors within programmed devices, and due to their processor based execution, are employed as programmed instructions, onto a computer readable medium comprising program instructions as taught by Anderson, so that they may be easily transferred or from one computer in a distributed computer network to another computer in another distributed computer network, or so that they may be loaded as firmware onto a device to update or restore camera functionality without having to update or replace device hardware.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), in further view of Harada (US 6,195,511.)

Re claim 43, Sarbadhikari and Steinberg teach all the limitations of claim 43 (see the 103(a) rejection to claims 1/21 supra), except wherein a data manager from said ancillary data module deletes a local ancillary data file in said imaging device after detecting a file type of a newly-downloaded one of said ancillary data files.

Nevertheless, Harada is found to teach the rewriting of camera programming upon detecting that a newer version has been downloaded (col. 6 line 28 – col. 7 line 7; in which the rewriting of a file is determined by the examiner to be equivalent to a deletion because the original file is ultimately replaced by a newer version of the file.) It would have been obvious to one of ordinary skill in the art at the time of the invention to delete a local file after detecting a newer file as taught by Harada with the method as taught by Sarbadhikari and Steinberg, in order to provide a method updating camera programming while maintaining minimum/lower memory requirements.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), in further view of Qian (US 6,950,130), in view of Berstis (US 6,721,001), in view of Silverbrook et al. (US 6,894,694.)

Re claim 44, Sarbadhikari and Steinberg teach all the limitations of claim 44 (see the 103(a) rejection to claims 1/21 supra), including wherein said ancillary data files include a text overlay file for superimposing upon said image data ('264 – col. 5 lines 22-27), special program instructions that directly enable or instruct said image device how to utilize said ancillary data files ('264 – col. 4 line 57 – col. 5 line 25), and template files that that are utilized as settings or frameworks for combining with said image data ('264 col. 10 line 24 – col. 11 line 13), said template files including an image transition file ('264 – col. 10 lines 46-50) and a still template file ('264 – figs. 8 and 9, col. 10 lines

26-30.) However, although Sarbadhikari and Steinberg provide for the inclusion of other files capable of affecting the captured image data ('264 – col. 4 lines 61-63), neither expressly provide for a background file of visual background data for combining with said image data, or template files including an animated template file and a voice-annotated template file.

Qian teaches the both the creation of background files and the replacement of backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include background files as taught by Qian with the system as taught by Sarbadhikari and Steinberg, so that the user is provided with another ancillary data file merging option, in addition to templates and overlays, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Berstis is found to disclose voice annotation programming (fig. 3 indicator 304, col. 4 lines 5-8.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include programming for a voice-annotation as taught by Berstis as another data file within the system as taught by Sarbadhikari, Steinberg, and Qian, so that the user is provided with another ancillary data file option, in addition to templates, overlays, and backgrounds, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the overall potential functionality of the imaging device.

Silverbrook is found to disclose animation programming (col. 4 line 64 – col. 5 line 6.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include programming for animation as taught by Silverbrook as another data file within the system as taught by Sarbadhikari, Steinberg, Qian, and Berstis so that the user is provided with another ancillary data file option, in addition to templates, overlays, backgrounds, and voice-annotations, for the purpose of enhancing the images captured by the user for particular situations, as well as to further expand the overall potential functionality of the imaging device.

Further, Aihara teaches Internet webpage files employed as ancillary data files (col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ancillary data files as taught by Aihara, with the system as taught by Sarbadhikari, Steinberg, and Qian, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), in further view of Park et al. (US 6,731,305), Kondoh et al. (US 6,968,058), and Satoh et al. (US 5,717,496.)

Re claim 45, Sarbadhikari and Steinberg teach all the limitations of claim 44 (see the 103(a) rejection to claims 11/31 supra), except for expressly disclosing wherein said descriptor tag includes a data format, a data type, a data structure, and a data size.

Nevertheless, it is well known to those skilled in the art to include descriptor information associated with data information, as disclosed by Park (data structure and size, col. 4 lines 22-24), Kondoh (data format, col. 4 lines 60-64), and Satoh (data type, fig. 50, col. 26 lines 57-66.) Based on these teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for a wide breadth of information to be includable with a descriptor tag so expand embedded run information and other related pre-processed information.

Claims 49 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squilla et al. and further in view of Aihara et al.

Re claim 53, Squilla discloses a system for manipulating image data capable of performing a method for manipulating image data, comprising the steps of: storing one or more ancillary data files (graphics, photos, video/audio clips, etc.) in a data source (10), said data source (10) being implemented as a computer (14) in a distributed computer network (col. 3, lines 57-63); capturing said image data with an imaging device (24) and transferring said one or more ancillary data files (graphics, photos, etc.) in an ancillary data flow from said data source (10) to said imaging device (24) by using an ancillary data module (microprocessor 42) (col. 4, lines 3-25; col. 4, line 54-col. 5,

line 17). Squilla further discloses manipulating the image data with one or more ancillary data files (graphics, photos, etc.), said ancillary data module (42) performing on-line management procedures during which a system user interactively utilizes the imaging device (24) to view the ancillary data files (graphics, photos, etc.) that are stored on the data source (10), to manipulate the ancillary data files (graphics, photos, etc.) that are stored on the data source (10), to select the ancillary data files (graphics, photos, etc.) that are stored on the data source (10) and to download the ancillary data files (graphics, photos, etc.) from the data source (10) to the imaging device (24), the on-line management procedures occurring while an active bi-directional electronic communication path currently exists from the imaging device (24) to the computer (14) in the distributed computer network (col. 5, lines 1-17; col. 8, lines 39-56), the ancillary data files (graphics, photos, etc.) including one or more image data files that the imaging device (24) combines with the image data to created a new composite image (col. 5, lines 1-13). However, although the Squilla reference discloses a wireless distributed computer network capable of allowing a camera to wirelessly transmit and receive ancillary data files it fails to state that the camera is capable of wirelessly connecting to remote devices via an internet network.

Aihara discloses a digital camera that is capable of wirelessly connecting to remote devices. Aihara states that the digital camera (110) is capable of connecting to an Internet network (750) (col. 13, lines 42-67). Therefore, it would have been obvious for one skilled in the art to have been motivated to connect the camera disclosed by Squilla to an internet network as disclosed by Aihara. Doing so would provide a means

for expanding the capabilities of the camera by allowing the camera to transmit and receive information from multiple remote devices.

Re claim 49, Squilla discloses all of the limitations of claim 48 above. However, although the Squilla reference discloses a wireless distributed computer network capable of allowing a camera to wirelessly transmit and receive ancillary data files it fails to state that the camera is capable of wirelessly connecting to remote devices via an internet network.

Aihara discloses a digital camera that is capable of wirelessly connecting to remote devices. Aihara states that the digital camera (110) is capable of connecting to an Internet network (750) (col. 13, lines 42-67). Therefore, it would have been obvious for one skilled in the art to have been motivated to connect the camera disclosed by Squilla to an internet network as disclosed by Aihara. Doing so would provide a means for expanding the capabilities of the camera by allowing the camera to transmit and receive information from multiple remote devices.

Re claim 54, Squilla states that the ancillary data module may be implemented as a software progam (col. 3, lines 42-46).

Re claim 55, Squilla further states that an ancillary data module (microprocessor 42) performs an off-line management procedure for the ancillary data files (graphics, photos, etc.) that have been downloaded from the data source (10), the off-line

management procedure including the ancillary data module (42) analyzing descriptors form the ancillary data files and coordinating corresponding off-line file management procedures by alternately utilizing both an automatic process and an interactive process with a system user, the off-line file management procedures including a file descriptor identification procedure by which the ancillary data module (42) categorizes the ancillary data files (graphics, photos, etc.) and the imaging device (24) updating camera menus to including the ancillary data files (graphics, photos, etc.) to enable a system user to utilize the ancillary data files (graphics, photos, etc.) (col. 4, lines 3-25; col. 4, line 54-col. 5, line 17).

Re claim 56, the combination of the Squilla and Aihara references discloses all of the limitations of claim 53 above. Additionally, Squilla states that the imaging device (24) is a digital camera (col. 4, lines 3-25). Squilla fails to specifically state that the digital camera is capable of capturing video images. However, the Examiner takes **Official Notice** that it is well known in the art for digital cameras to capture both still images and video images. Therefore, it would have been obvious for one skilled in the art to have been motivated to include video image capturing capability in the digital camera disclosed by Squilla in view of Aihara. Doing so would provide a means for allowing a user of the camera to capture both still images and video images and thus enhance the capabilities of the camera.

Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squilla et al. in view of Aihara et al. and further in view of Steinberg et al. US 6,006,039.

Re claims 57- 58, the combination of the Squilla and Aihara references discloses all of the limitations of claim 53 above. However, although the Squilla reference discloses a wireless distributed computer network capable of allowing a camera to wirelessly transmit and receive ancillary data files it fails to state that the camera is capable of communicating with the data source through a hard-wired physical connection or through a removable storage device.

Steinberg discloses a method for configuring a camera through external means. Steinberg states that the camera (10) is capable of communicating with the PC (14) via a removable storage device (22) or through a hard-wired physical connection (wire 30) (col. 3, line 57-col. 4, line 15). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a hard-wired physical connection and a removable storage device for allowing communication between a camera and a remote device as disclosed by Steinberg in the system including a digital camera and an ancillary data module as disclosed by Squilla in view of Aihara. Doing so would provide a means for enabling communication between a camera and a remote device by means other than wireless communication in order to ensure that the connection will not be lost and the data will be exchanged without interruption.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Squilla et al. in view of Aihara et al. further in view of Qian (US 6,950,130) further in view of Berstis (US 6,721,001) and further in view of Silverbrook et al. (US 6,894,694.)

Re claim 59, the combination of the Squilla and Aihara references discloses all of the limitations of claim 53 above. Further, Aihara teaches Internet webpage files employed as ancillary data files (col. 9 lines 40-42, col. 10, line 17 – col. 12 line 36). However, neither expressly provide for a background file of visual background data for combining with said image data, or template files including an animated template file and a voice-annotated template file.

Qian teaches the both the creation of background files and the replacement of backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include background files as taught by Qian with the system as taught by Squilla and Aihara, so that the user is provided with another ancillary data file merging option, in addition to templates and overlays, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Berstis is found to disclose voice annotation programming (fig. 3 indicator 304, col. 4 lines 5-8.) It would have been obvious to one of ordinary skill in the art at the time

of the invention to include programming for a voice-annotation as taught by Berstis as another data file within the system as taught by Squilla, Aihara, and Qian, so that the user is provided with another ancillary data file option, in addition to templates, overlays, and backgrounds, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the overall potential functionality of the imaging device.

Silverbrook is found to disclose animation programming (col. 4 line 64 – col. 5 line 6.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include programming for animation as taught by Silverbrook as another data file within the system as taught by Squilla, Aihara, Qian, and Berstis so that the user is provided with another ancillary data file option, in addition to templates, overlays, backgrounds, and voice-annotations, for the purpose of enhancing the images captured by the user for particular situations, as well as to further expand the overall potential functionality of the imaging device.

Contacts

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submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

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